

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

KRISTIN BALLAS,

Plaintiff,

-v-

GREENHOUSE SOFTWARE, INC., ET AL.,

Defendants.

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**ORDER**

22-CV-10332 (HJR)

**HENRY J. RICARDO, United States Magistrate Judge.**

On January 9, 2025, Plaintiff filed a Letter Motion regarding disputes related to expert discovery. ECF No. 166. On January 13, 2025, Defendants filed a letter in opposition. ECF No. 168. On January 16, 2025, the parties filed a letter with additional information relevant to the disputes. ECF No. 169.

For the reasons discussed during today's telephone conference:

- (1) Plaintiff's request to preclude Defendants' experts for failure to disclose documents is DENIED as moot;
- (2) Plaintiff's request for a protective order to preclude the depositions of Plaintiff's experts Dr. Ashwin Malholtra, Daniel Wolstein, PhD, James Lambrinos, PhD, and Eric Heiberg, PE is DENIED; and
- (3) Plaintiff's request to preclude Defendants from retaining a replacement neuropsychology expert for Dr. Baer, conducting a new independent medical examination by that individual, and producing a new expert report and disclosure is DENIED.

The parties are each directed to file a letter not to exceed three pages by January 24, 2025, that addresses whether Drs. Matthew Costa, Bushra Malik, and Joseph Elwood are properly characterized as fact or expert witnesses and why.

The parties are also directed to confer and file a joint letter by January 24, 2025, that proposes a schedule for the disclosures and depositions of Plaintiff's experts Dr. Ashwin Malholtra, Daniel Wolstein, PhD, James Lambrinos, PhD, and Eric Heiberg, PE.

The parties are further directed to confer and file a joint status report by January 31, 2025, that addresses Defendants' efforts to retain a replacement neuropsychology expert for Dr. Baer and proposes a schedule for the completion of that expert's independent medical examination of Plaintiff, as well as the expert's disclosures and deposition.

**SO ORDERED.**

Dated: January 17, 2025  
New York, New York



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Henry J. Ricardo  
United States Magistrate Judge